REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-11 and 13 are pending in the application. Claims 1, 3-11 and 13 are amended; and Claims 2 and 12 are canceled by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings. No new matter is presented.

In the outstanding Official Action, Claims 3-5 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-13 were rejected under 35 U.S.C. § 101; Claims 1-2, 6 and 11-13 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2003/0135513 to Quinn et al. (hereinafter Quinn); and Claims 1-2, 6 and 11-13 were rejected under 35 U.S.C. § 102(a) as anticipated by Applicant's Background material (hereinafter "Background").

The outstanding Official Action rejected Claim 3 under 35 U.S.C. § 112, second paragraph, asserting that "the phrase 'an unnecessary word' renders the claim indefinite because it is not clear what is an unnecessary word."

In response, Claim 3 is amended to recite "wherein said unnecessary word is a commonly detected word which is not important in identifying a content of said metadata." Support for this amendment can be found at least at pp. 28-29 of the specification, which discloses that the dictionary data generation block detects a keyword commonly contained in each broadcast and deletes these common keywords as though they would be considered "noise" since they are not regarded as important in grasping the contents of a content. Thus, amended Claim 3 clearly defines the phrase "an unnecessary word."

Accordingly, Applicants respectfully request that the rejection of Claim 3, and Claims 4 and 5 which depend therefrom, under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1-13 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter, asserting that "the claims are not directed towards the final result that is 'useful, tangible and concrete.'" Specifically, the Official Action requests that Applicant point out the practical application of the claimed subject matter, and the concrete, useful and tangible result thereof.

Claims 1-10 are directed to an "information processing apparatus," Claim 11 is directed to a "method," and Claim 13 is directed to a "recording medium." Applicants note that each of these claimed classes <u>are</u> statutory. Further, Claims 1-10 are amended to recite a "processor" configured to perform various functions, thus effectively limiting the claimed features to hardware components.

Further, Applicants respectfully submit that each of the claims are directed to a practical application having a result that is concrete, useful and tangible. Specifically, independent Claims 1, 11 and 13 are directed to an apparatus, method and computer program product, respectively, that allow for customized programming recommendations to be presented to a user based on analyzed metadata of content. Thus, the practical application of the invention is that acquired metadata is analyzed to generate programming recommendations to a user.

The claimed invention also produces a concrete, useful and tangible result of analyzing the metadata, <u>generating</u> dictionary data related to the analyzed metadata, and <u>storing</u> the metadata with the dictionary data. This output is concrete, useful and tangible, because it may be used by a remote server or processing device to recommend content (e.g., TV programming, radio broadcasts) based on the metadata included in content that a user frequently views.

Therefore, the claims are directed to a practical application (e.g., analyzing data to recommend content based on already viewed content), which produces a useful, tangible and

concrete result (e.g., <u>generating</u> and <u>storing</u> metadata assigned with an attribute item <u>into a</u> <u>database</u>).

Regarding Claim 11, the Official Action states that "storing said metadata assigned with said attribute item into a database is not a tangible result" because the claimed feature is not "being used in an information processing method as recited in the preamble." Claim 13 was rejected under a similar rationale. Applicants respectfully traverse this assertion, as the "storing" step <u>is</u> part of the method/programming steps recited in the claims, and Claims 11 and 13 recite additional features that do produce a tangible result. With regard to Claims 11 and 13, MPEP § 2106 provides that:

> Office personnel have the burden to establish a *prima facie* case
> that the claimed invention as a whole is directed to solely an abstract idea
> or to manipulation of abstract ideas or does not produce a useful result.
> Only when the claim is devoid of any limitations to a practical application
> in a technological arts should it be rejected under 35 U.S.C. § 101 . . .
> Further, when such a rejection is made, <u>office personnel must expressly</u>
> <u>state how the language of the claims has been interpreted to support the</u>
> <u>rejection.</u> (emphasis added) See MPEP § 2106.

Thus, Applicants respectfully submit that no express statement has been provided as to how the <u>language of the claims</u> have been interpreted to support the 35 U.S.C. § 101 rejection in violation of the guidelines of MPEP § 2106.

As noted above, the Official Action asserts that the step of "storing metadata..." is not part of the method of Claim 11 or the steps performed by the computer in response to the program code in Claim 13. However, the Official Action fails to provide any basis or support for such an assertion. Moreover, storing data into a database is clearly a step of processing the information, and a computer can be made to store data into a database based on the execution of a computer program.

Further, should such rejection be maintained in a subsequent communication with respect to any of the aforementioned claims, Applicants respectfully request the Examiner provide an express statement on the record in accordance with MPEP § 2106 guidelines

explaining how such claim terminology, such as "acquiring metadata", "detecting... a word", "correlating said attribute item of said metadata with said keyword", "generating dictionary data... on the basis of an analysis result acquired in said metadata analysis", "generating a database", "assigning said attribute item to metadata" and "storing said metadata... into a database" are interpreted.

More specifically, how such limitations are deficient to define a useful, concrete and tangible result. See State Street Bank & Trust Co. v. Signature Financial Group, Inc., 149 F.3d 1368, 1374, 47 (Fed. Cir. 1998) (discussing practical application of a mathematical algorithm, formula, or calculation.).

Therefore, Applicants respectfully submit that Claims 1-11 and 13 recite statutory subject matter directed to a practical application that produces a useful, concrete and tangible result. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claims 1-11 and 13 under 35 U.S.C. § 101 be withdrawn.

Claims 1-2, 6 and 11-13 were rejected under 35 U.S.C. § 102(e) as anticipated by Quinn. Applicants respectfully submit that amended independent Claims 1, 11 and 13 recite novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 recites, in part, an information processing apparatus, comprising:

> ... analyze an attribute of said acquired metadata;
> ...generate dictionary data for correlating said attribute
> with an attribute item contained in said attribute on the basis of
> a result of said analysis...
> ...detect, from among words contained in said
> metadata, a word which is high in co-occurrence *in metadata*
> *of other contents having a particular attribute item as a*
> *keyword of said attribute item*, thereby correlating said
> attribute item of said metadata with said keyword.

Independent Claims 11 and 13, while directed to an alternative embodiment, are amended to recite substantially similar features. Accordingly, the remarks presented below are applicable to each of independent Claims 1, 11 and 13.

Turning to the applied reference, Quinn describes generating an automatic and assisted playlist by collecting data from users of a world-wide music information system.

Quinn, however, fails to teach or suggest detecting from the metadata "a word which is high in co-occurrence *in metadata of other contents having a particular attribute item as a keyword of said attribute item*, thereby correlating said attribute item of said metadata with said keyword," as recited in amended independent Claim 1. Applicants note that independent Claims 1, 11 and 13 are amended to incorporate the subject matter of Claim 2, with the exception of the "*of other contents*" feature, support for which can be found at least at pp. 28-31 of the specification.

In addressing Claim 2, the Official Action relies on paragraph [0055] of Quinn which describes that metadata associated with a single content item, or album, having a unique "fingerprint" is analyzed to determine the highest frequency of items for each metadata category. Such an analysis results in the bar graphs (150-153) shown at Fig. 2 and is used to determine the most frequently correct artist name, track title, etc. for the content. Thus, Quinn analyses the metadata for a single piece of content to resolve inaccuracies in the metadata associated with the content.

In contrast, amended independent Claim 1 recites detecting from the metadata a word which is "high in co-occurrence *in metadata of other contents* having a particular attribute item as a keyword of said attribute item." Thus, the claimed invention detects a word from the metadata that may be common to *other contents* so that the keyword associated with the attribute items helps the system to identify a particular genre.

Quinn, in contrast, describes only that a high frequency item among items of metadata assigned to the same content (identified by a content fingerprint) is selected as the most likely item in order to eliminate ambiguity of assignment of a particular data items associated with the content.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and the claims that depend therefrom) under 35 U.S.C. § 102(e) be withdrawn. For substantially similar reasons, it is also submitted that amended independent Claims 11 and 13 patentably define over Quinn.

Claims 1-2, 6 and 11-13 were rejected under 35 U.S.C. § 102(a) as anticipated by Applicant's Background material. In response to this rejection, Applicants respectfully submit that amended independent Claims 1, 11 and 13 recite novel features clearly not taught or rendered obvious by the applied references.

The Background describes a process of comparing user's viewing log to another user's viewing log who might share similar contents. The programs from the compared another user's viewing log, which have not been viewed by the user, are then provided to the user as recommended programming.

The Background, however, fails to teach or suggest detecting "from among words contained in said metadata, a word which is high in co-occurrence in metadata of other contents having a particular attribute item as a keyword of said attribute item, thereby correlating said attribute item of said metadata with said keyword," as recited in amended independent Claim 1. The Official Action appears to concede this point, as the Background is used only to address Claims 1 and 11-13, but fails to address the specific features recited in Claim 2, which are incorporated into Claim 1, as noted above.
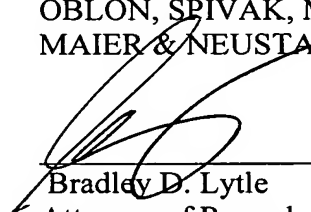
Accordingly, Applicants respectfully request that the rejection of Claims 1, 11 and 13

(and the claims that depend therefrom) under 35 U.S.C. § 102(a) in view of Applicant's

Background matrerial be withdrawn.

Should the Examiner believe any additional formal matters need to be addressed in

order to place this application in condition for allowance, the Examiner is respectfully

requested to contact the undersigned, by telephone, at the Examiner's convenience.

Consequently, in view of the foregoing amendment and remarks, it is respectfully

submitted that the present Application, including Claims 1, 3-11 and 13, is patently

distinguished over the applied references, in condition for allowance, and such action is

respectfully requested at an early date.

Respectfully submitted,

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